

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CYNTHIA MINGO, as Personal
Representative of the Estate of Daniel
Mingo,

Plaintiff,

v.

CITY OF MOBILE,

Defendant.

CIVIL ACTION NO.: CV-2012-0056

NOTICE OF REMOVAL

Defendant City of Mobile hereby gives notice of the removal of this action from the Circuit Court of Mobile County to the United States District Court for the Southern District of Alabama, Southern Division, on the following grounds:

1. This case was filed in the Circuit Court of Mobile County, Alabama against this defendant on January 30, 2012. Defendant was served with the summons and complaint on January 31, 2012.

2. Plaintiff asserts claims against this defendant for alleged violations of the Fourth Amendment to the Constitution of the United States pursuant to 42 U.S.C. § 1983. Plaintiff also asserts state law claims against this same defendant arising out of the same nucleus of operative facts.

3. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331; therefore, this action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

4. In addition, the complaint alleges state law claims arising out of the same facts or circumstances relating to the federal claims within this Court's original jurisdiction; therefore, these state law claims are subject to this Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

5. Pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1367, the entire case is removable and this Court has jurisdiction over all federal and state law claims asserted in the complaint.

6. Filed concurrently herewith are copies of all process, pleadings, and orders served upon this defendant in compliance with 28 U.S.C. § 1446(a).

7. This notice of removal is signed by counsel for the above-named defendant pursuant to Rule 11 of the Federal Rules of Civil Procedure.

s/Thomas O. Gaillard, III

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Attorneys for Defendant City of Mobile

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of February 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Peter Mackey, Esq.
Henry Brewster, Esq.

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

None.

s/Thomas O. Gaillard, III